

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

RAMIRO FELIX GONZALES,
Plaintiff,

v.

BRYAN COLLIER, Executive Director
of the Texas Department of Criminal
Justice, BOBBY LUMPKIN, Director
of the Texas Department of Criminal
Justice—Correctional Institutions
Division, and DENNIS CROWLEY,
Warden of the Huntsville Unit,
Defendants.

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CIVIL ACTION NO. 4:21-CV-00828

DEFENDANTS' UNOPPOSED MOTION TO FILE UNDER SEAL

Defendants Bryan Collier, Bobby Lumpkin, and Dennis Crowley respectfully request to file their Motion for Summary Judgment and two exhibits under seal.

In the deposition of the Texas Department of Criminal Justice (TDCJ) pursuant to Rule 30(b)(6), Bobby Lumpkin testified about specific details surrounding the execution chamber and execution process that is not information available to the public. The information implicates a security concern because wrongdoers could utilize the information in attempts to circumvent the security of the execution process. The execution process involves ultra-sensitive information, the confidentiality of which is imperative to maintaining the security of the process. The deposition was designated as “confidential” under the terms of the unopposed protective order entered in this case. ECF No. 25. Defendants intend to offer the deposition testimony as an exhibit to the Motion for Summary Judgment and respectfully request permission to file it under seal. Defendants’ MSJ Exhibit B.

Defendants also intend to submit photographs depicting the Huntsville Unit Warden in the execution chamber along with measurements and details of the gurney and chamber. Defendants' MSJ Exhibit C. For the same reasons, the photographs depict information that is not available to the public and implicate security concerns. The photographs were disclosed as "confidential" under the terms of the unopposed protective order. ECF No. 25.

Likewise, Defendants' Motion for Summary Judgment thoroughly discusses the same details about the execution chamber and execution process throughout the motion. Allowing Defendants to file their Motion for Summary Judgment and exhibits will not prejudice or hinder any party from litigating this case. Plaintiff will be provided with an unredacted copy of the filings, which will be protected under the terms of the Protective Order.

Accordingly, Defendants respectfully request to file the motion and exhibits B and C under seal.

Respectfully submitted,

KEN PAXTON

Attorney General of Texas

BRENT WEBSTER

First Assistant Attorney General

GRANT DORFMAN

Deputy First Assistant Attorney General

SHAWN E. COWLES

Deputy Attorney General for Civil Litigation

SHANNA E. MOLINARE

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/s/ Leah O'Leary

LEAH O'LEARY

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**ATTORNEYS FOR DEFENDANTS
COLLIER, LUMPKIN, AND CROWLEY**

CERTIFICATE OF CONFERENCE

I, Leah O'Leary, certify that on June 10, 2022, I conferred with counsel for Plaintiff Gonzales regarding the request presented in this motion. Plaintiff is unopposed to Defendants' request to file their motion for summary judgment and the deposition testimony under seal.

/s/ Leah O'Leary

Leah O'Leary

Assistant Attorney General

CERTIFICATE OF SERVICE AND ELECTRONIC FILING

I, Leah O'Leary, certify that on June 10, 2022, I electronically filed the foregoing document with the Clerk of the Court for the United States Court for the Southern District of Texas using the electronic case-filing (ECF) system of the Court, which electronically serves all counsel of record and registered users in this case.

/s/ Leah O'Leary

Leah O'Leary

Assistant Attorney General